

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KARELI LEYVA-MORA, et al.,

Defendants.

No. 2:21-cr-00097-RAJ

ORDER GRANTING MOTION
TO CONTINUE TRIAL DATE AND
PRETRIAL MOTIONS DEADLINE

THIS MATTER comes before the Court on the motion of Defendant Martin Lopez-Lopez for a continuance of the trial date and the deadline for filing pretrial motions. The motion is unopposed by the government. After filing the motion, counsel for Defendant Martin Lopez-Lopez filed a declaration indicating that Mr. Lopez-Lopez is “now reluctant to sign a speedy trial waiver due to the length of the trial continuance which is anticipated to be June 2022” (Dkt. # 108). In communications with court staff prior to filing the motion, counsel for all defendants requested a trial date “after June 6, 2022.”

Defendants Kareli Leyva-Mora, Marco Gonzalez-Torres, Hector Espinoza, and Luis Gomez have filed joinders in the motion to continue trial date (Dkt. ## 103, 109, 107, 102) and waivers of speedy trial (Dkt. ## 104, 106, 105, 101).

1 The Court, having considered the facts set forth in the motion and the records and
2 files herein, FINDS as follows:

3 1. That the ends of justice will be served by ordering a continuance in this
4 case, that a continuance is necessary to ensure adequate time for effective case
5 preparation and that these factors outweigh the best interests of the public and
6 defendants in a speedy trial.

7 2. A failure to grant the continuance would deny defense counsel the
8 reasonable time necessary for effective preparation, taking into account the exercise of
9 due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). In addition, the
10 failure to grant a continuance in the proceeding would likely result in a miscarriage of
11 justice, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i).

12 3. The ends of justice will be served by ordering a continuance in this case,
13 as a continuance is necessary to ensure adequate time for the defense to review
14 discovery and effectively prepare for trial. All of these factors outweigh the best
15 interests of the public and defendant in a more speedy trial, within the meaning of 18
16 U.S.C. § 3161(h)(7).

17 4. Defendant Martin Lopez-Lopez's objection to the continuance is
18 overruled. Defendants in this case are alleged to have conspired together and the
19 charges arise out of a common investigation. It is well established that in
20 multidefendant cases, a reasonable trial continuance as to any defendant tolls the Speedy
21 Trial Act period as to all joined co-defendants, even those who object to a trial
22 continuance or who refuse to submit a waiver under the Speedy Trial Act. *See* 18 U.S.C.
23 § 3161(h)(6).

24 IT IS THEREFORE ORDERED that the motion (Dkt. # 100) is GRANTED.
25 The trial date is continued to Tuesday, June 21, 2022. All pretrial motions, including
motions in limine, shall be filed no later than April 28, 2022.

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1 IT IS FURTHER ORDERED that the resulting period of delay from the date of
2 this Order to the new trial date of June 21, 2022, is hereby excluded for speedy trial
3 purposes under 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

4 DATED this 12th day of October, 2021.

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7 The Honorable Richard A. Jones
8 United States District Judge
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